

Mr. Chairman, Members of the Committee,

Thank for the opportunity to appear before your today. My name is George Basar. I currently serve as the Chief of Police in the City of Ypsilanti and I appear before you today on behalf of the Michigan Association of Chiefs of Police and as a representative of my fellow law enforcement executives from across the State of Michigan.

The legislation before you for consideration on preliminary examination reform is an important issue for Michigan's Police Chiefs and is one of the highest priorities for the Michigan Association of Chiefs of Police.

In this era of dwindling revenues, budget slashing and personnel reductions that are being faced by municipalities and political subdivisions across the state, this legislation represents a significant economic issue for police executives and for police departments in the State of Michigan.

I would like to use the experiences of my agency, the Ypsilanti Police Department, to provide you just a brief glimpse into the inefficiencies of the current preliminary examination process.

Like many police departments across the state, my department has also undergone significant budget cuts in the past few years. In the State of Michigan there are now almost 1300 fewer police officers on the street today than there were on September 11, 2001. In Ypsilanti I have lost 25% of my uniform patrol force to the budget cutting axe. While the number of police officers available to respond has continued to decrease, the calls for service have not. We have found ourselves having to more with less. Then the same with less, and now we are in the arena of being forced to do less with less.

One of those continuing demands for service and drains on the availability of police personnel is the amount of time that police officers are needlessly required to sit in court for preliminary examinations, only to have the examination waived by the defense attorney and the defendant sent directly to circuit court.

During my last fiscal year which ran from July 1, 2004 thru June 30, 2005, I was forced to needlessly spend tax payer dollars in the amount \$20,495 in the form of police overtime for officers who never testified, but were subpoenaed and required to appear in court for preliminary examinations that were waived by the defense. That dollar amount represented 535 hours of police officer's time. This is in contrast to an expenditure of \$3,400 for 95 hours of police officer time where actual testimony was taken in a preliminary exam.

The figures presented only account for overtime hours. They do not take into account the amount of time spent, loss of productivity and non-availability of on-duty police officers to respond to calls for service while they spend time to locate

and serve preliminary examination subpoenas on victims and witnesses and spend on-duty time, sitting needlessly in court once again, only to ultimately have the exam waived and the defendant proceed directly to circuit court.

Some might suggest that in the grand scheme of things that that \$20,000 expenditure is not a significant sum of money. Certainly some other police department's experience will be greater than \$20,000 while others will be lower. But, if you take that \$20,000 and multiply it by the 600 police agencies in State of Michigan you begin to get a little better sense of the potential economic impact of the reform legislation that is before you today.

With fewer and fewer police officers in our employ, because of continuing budget cuts, we can ill afford the inefficiency of a process that has largely, and in many ways been rendered irrelevant by the process itself. An inefficiency, which directly impacts not only the expenditure of tax payer dollars but also has a direct impact on the quality of life in our neighborhoods and our communities by needlessly taking police officers off of the streets.

As I conclude my comments, I would like to leave you with a couple of additional thoughts to ponder. A couple of intangibles that are difficult to quantify or place a dollar figure on.

The first being the human toll taken on the men and women in police service who, aside from their regular duty hours, have to work a variety of additional overtime hours including appearances in court for preliminary examinations.

Loss of sleep, fatigue and the availability of quality time off, begin to take their toll on the health and on the safety of the men and woman in uniform who we rely on to be ready, mentally sharp and to exercise sound judgment at all times.

The second is the re-victimization of crime victims themselves. Victims who are subpoenaed to appear at preliminary examinations, who may suffer an additional monetary loss by having to take time off of work to appear in court or who have to make other arrangements, or suffer other inconveniences. or forego other demands on their personal time to appear at a preliminary examination only to have the exam waived and to realize that their appearance was unnecessary.

Victims and witnesses alike become angry and bitter toward the process. Many become frustrated and reluctant to continue to move forward and to participate in a process that they view as wasting their time.

It has been reported that some attorney's response to this proposed legislation, is that the day of preliminary examination is the first opportunity that they have to meet with their client and to discuss the case. If that is true, I would suggest that this is a far less than adequate reason to continue a process that has the types of human and economic impacts discussed today.

The Michigan Association of Chiefs of Police fully supports the efforts of Attorney General Cox and Representative Elsenheimer in seeking this **sensible and measured** reform to the preliminary examination process.

The passing of this legislation will result in the elimination of the needless expense of taxpayer dollars and the unnecessary court appearance of victims, witnesses and police officers as well as freeing up the time of the District Courts across the state to concentrate on issues and cases that come before the court.

Thank you for your time and for your thoughtful consideration of this important piece of reform legislation.